

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GUETATCHEW FIKROU,) Case No. 2:15-cv-01297-GMN-NJK
Plaintiff(s),)
vs.) ORDER
MONTGOMERY COUNTY OFFICE OF CHILD)
SUPPORT ENFORCEMENT DIVISION, et al.,) (Docket No. 34)
Defendant(s).)

Pending before the Court is a joint motion to stay discovery pending resolution of various motions to dismiss. Docket No. 34; *see also* Docket Nos. 5, 15, 22 (motions to dismiss). Plaintiff filed a response in opposition, and Defendants filed a reply. Docket Nos. 41, 44. The Court finds the motion properly resolved without oral argument. *See* Local Rule 78-2. For the reasons discussed more fully below, the motion to stay discovery is hereby **GRANTED**.

“The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending.” *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The case law in this District makes clear that requests to stay all discovery may be granted when: (1) the pending motion is potentially dispositive; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a “preliminary peek” at the

1 merits of the potentially dispositive motion and is convinced that the plaintiff will be unable to state a
2 claim for relief. *See Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).¹

3 Having reviewed the underlying motions to dismiss, the Court finds that these elements are
4 present in this case and **GRANTS** the motion to stay discovery. If the motions to dismiss are not
5 granted in full, the parties shall file a proposed discovery plan within seven days of the issuance of the
6 order resolving the motions to dismiss.

7 IT IS SO ORDERED.

8 DATED: October 6, 2015

9 
10 NANCY J. KOPPE
United States Magistrate Judge

25 _____
26 ¹ Conducting this preliminary peek puts the undersigned in an awkward position because the
27 assigned district judge who will decide the motion to dismiss may have a different view of its merits. *See*
28 *Tradebay*, 278 F.R.D. at 603. The undersigned's "preliminary peek" at the merits of that motion is not
intended to prejudice its outcome. *See id.*